

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JERRY ARRIETA,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:23-cv-00802-NODJ-EPG

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(ECF No. 21)

On May 25, 2023, Plaintiff Jerry Arrieta filed this action seeking review of a final decision of Defendant Kilolo Kijakazi, Acting Commissioner of Social Security. (ECF No. 1.) The Court remanded the matter on October 26, 2023 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and directed entry of judgment in favor of Plaintiff. (ECF No. 19.) On December 6, 2023, the parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$8,900.00. (ECF No. 21.) The parties further stipulate that Plaintiff is not entitled to any costs under 28 U.S.C. § 1920. (*Id.*)

Accordingly,

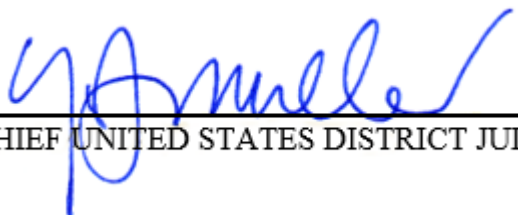
1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), Plaintiff is awarded attorney's fees in the amount of \$8,900.00; and

2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:
- a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
 - b. Fees shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees to be made directly to Plaintiff's counsel, Francesco Benavides; and
 - c. Whether the payment of attorney's fees is made payable to Plaintiff or to counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Francesco Benavides
Law Offices of Francesco Benavides
1990 N. California Blvd.
Suite 20, PMB 1038
Walnut Creek, CA 94596

IT IS SO ORDERED.

DATED: January 4, 2024


CHIEF UNITED STATES DISTRICT JUDGE